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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,295

09/14/2005

Marco Braun

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27538 7590 09/28/2007
KAPLAN GILMAN GIBSON & DERNIER L.L.P.
900 ROUTE 9 NORTH
WOODBIDGE, NJ 07095

EXAMINER

MORROW, JASON S

ART UNIT

PAPER NUMBER

3612

MAIL DATE

DELIVERY MODE

09/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,295

Applicant(s)

BRAUN ET AL.

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/11/05, 3/25/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The substitute specification filed 3/25/05 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: There is no statement that the substitute specification contains no new matter. There is only a statement that the amended claims contain no new matter.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sealing lip must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, line 2, the phrase "or the like" is indefinite. The scope of what is claimed by the phrase is unascertainable.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

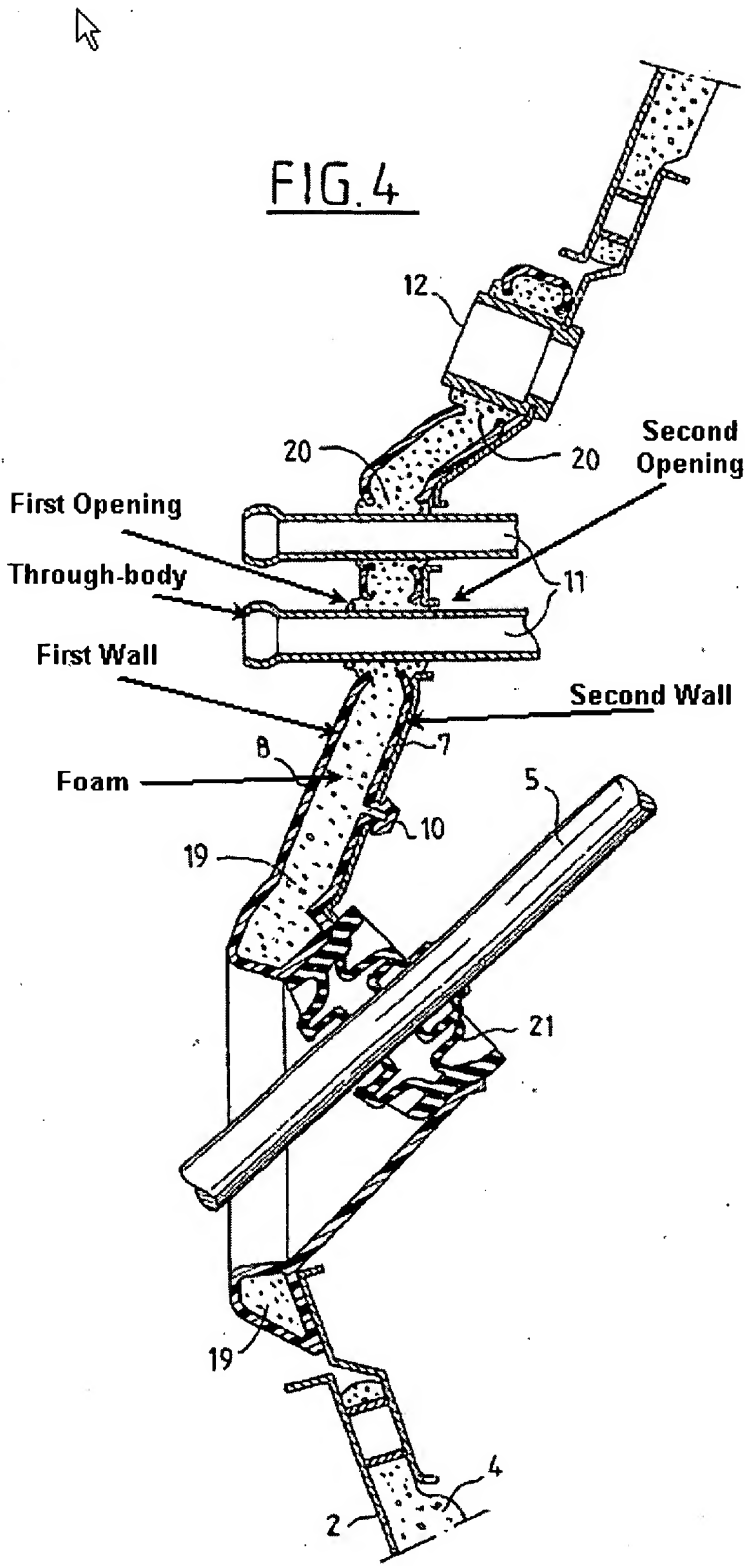
A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 13, 16-20, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Dossin (European Patent 0329526).

Re claim 13, Dossin discloses an end wall for a motor vehicle, comprising a first wall having an allocated first opening arranged therein, a second wall distanced from the first wall and having an allocated second opening therein, a through-body extending through the first and second openings and defining peripheral gaps between the through body and the respective first and second openings, foam arranged between the first and second walls, which foam bears on at least some regions of the through-body and is disposed in the peripheral gaps, and which foam comprises a foam opening for accommodating the through-body that has a smaller diameter than the through-body in at least some regions when the through-body is not present.



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Re claim 16, the foam opening includes a profile in a region of contact with the through-body (see the figure above).

Re claim 17, the foam in the region of at least one of the first and second openings terminates essentially flush with the first or second wall allocated therewith on a side distant to the opposite wall (the foam is essentially flush with the second wall).

Re claim 18, the foam in the region of the first opening projects beyond the first wall to a side distant to the opposite second wall (see the figure above).

Re claim 19, through-body is one of substantially round, oval or polygonal, in cross section (it is substantially round).

Re claim 20, the through-body is designed as a sleeve for leading through rods, cables, wires or the like (the through body is capable of performing the claimed function).

Re claim 22, the first wall in the region of the allocated first opening is curved to the side which is distant to the respective opposite second wall (see the figure above).

Re claim 23, at least one of the first and second walls in the region(s) of the respective associated first and second openings comprises a sealing lip (the edge of the openings are sealing lips).

The first and second walls are plastic (see the cross-hatching of figure 4).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dossin (European Patent 0329526) in view of the Plastics Handbook.

Dossin discloses all the limitations of the claim, as applied above, except for the foam being polyurethane foam.

The Plastics Handbook teaches that use of polyurethane foam in the transportation industry.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a foam, such as that disclosed by Dossin, from polyurethane, as taught by the Plastics Handbook, since Dossin does not disclose a specific type of foam to use and polyurethane is a common plastic material that is readily available and known to be used in the transportation industry.

10. Claims 15, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dossin (European Patent 0329526).

Re claim 15, Dossin does not disclose the first and/or second wall having a thickness between 1mm and 30mm.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first or second wall have a thickness between 1mm and 30mm since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. See *In re Aller*, 105 USPQ 233, 235 (CCPA 1955).

Re claim 21, Dossin discloses all the limitations of the claim, as applied above, except for the peripheral gaps between the through body and first and/or second walls in the region of the respective first and/or second opening being between about 4mm and about 35mm.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the peripheral gaps between the through body and first and/or second walls in the region of the respective first and/or second opening being between about 4mm and about 35mm since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. See *In re Aller*, 105 USPQ 233, 235 (CCPA 1955).

Re claim 24, Dossin does not disclose the diameter of the foam opening tapering in a longitudinal direction of the through body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the diameter of the foam opening tapering in a longitudinal direction of the through body, since it has been held that a change in shape involves only routine skill in the art. See *In re Dailey*, 149 USPQ 47 (CCPA 1966).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wieschermann et al., Campbell, Borkowski et al., and German Publication 19547268 disclose vehicle foam structures.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663.

The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason S. Morrow
Primary Examiner
Art Unit 3612

September 19, 2007


JASON MORROW
PRIMARY PATENT EXAMINER

9/19/07